

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	<b>* CIVIL ACTION</b>
<b>VS.</b>	<b>* NO. 19-CV-12378</b>
<b>ANH THI VAN</b>	<b>* SECTION “____”</b>
	<b>* MAGISTRATE</b>

\* \* \*

**COMPLAINT**

**NOW INTO COURT**, through the undersigned Assistant United States Attorney, comes Plaintiff, the United States of America, and respectfully submits its Complaint against Defendant, Anh Thi Van, and hereby alleges the following:

**Parties, Jurisdiction, and Venue**

1.

Plaintiff is the United States of America proceeding in its sovereign capacity.

2.

Defendant is Anh Thi Van (“Van”), who is domiciled at 13559 Dwyer Blvd., New Orleans, LA 70129.

3.

Jurisdiction is proper under 28 U.S.C. § 1345 and 15 U.S.C. § 634(b)(1).

4.

Venue is proper in this judicial district under 28 U.S.C. § 1391(b) since Van is domiciled in this judicial district.

**Facts**

5.

Plaintiff files the instant Complaint as a result of Defendant defaulting on two loans issued by the Small Business Administration (SBA).

6.

First, on April 1, 2006, Van signed an SBA document captioned “Note (Secured Disaster Loans) (hereinafter “Note 1”).”

7.

The SBA Loan Authorization approved Loan Number DLH15428060-01 to Van in the amount of \$53,600.00.

8.

The SBA loan was authorized to rehabilitate/replace disaster-damaged personal property at 13559 Dwyer Blvd., New Orleans, LA 70129 caused by Hurricane Katrina in August 2005.

9.

The SBA loan provided that interest would accrue on the principal amount of \$53,600.00 at a rate of 2.68 % annually and that Van was to make installment payments of \$227.00 monthly, beginning 12 months from April 1, 2006.

10.

The SBA loan further provided that if Van violated any of the terms or conditions of the SBA loan, the loan would be in default and the SBA may declare all or any part of the indebtedness immediately due and payable.

11.

Van signed Note 1 dated April 1, 2006 to the SBA promising to repay the SBA loan amount of \$53,600.00.

12.

Note 1 reiterated that Van was to make installment payments of \$227.00 monthly, beginning 12 months from April 1, 2006.

13.

Note 1 further specified that in the event of default, the SBA may require immediate payment of all amounts owing under the SBA loan and file suit to obtain judgment.

14.

Note 1 also provided that the SBA may collect and demand reimbursement for expenses incurred in efforts to collect amounts due under Note 1 and SBA loan.

15.

Note 1 was modified on August 1, 2007, reducing the principal to \$40,000.00 and reducing the installment payments to \$172.00 monthly, beginning April 1, 2007. The interest rate and terms of the loan otherwise remained the same.

16.

Van failed to make her monthly payments of \$172.00 for Note 1 and was placed in default September, 2013.

17.

Additionally, on August 15, 2012, Van signed a second Promissory Note ("Note 2").

18.

The SBA Loan Authorization approved Loan Number 53612750-00 to Van in the amount of \$25,000.00.

19.

The SBA loan provided that interest would accrue on the principal amount of \$25,000.00, and the loan was to reach maturity in 12 months with the first payment due on October 1, 2012.

20.

This SBA loan has a variable interest rate. The index currently is 3.25% per annum. Interest prior to maturity on the unpaid principal balance of this note will be calculated as described in the interest calculation method paragraph using a rate of 6.50 percentage points over the index, resulting in an initial rate of 9.750% per annum based on a year of 360 days.

21.

The SBA loan further provided that if Van violated any of the terms or conditions of the SBA loan, the loan would be in default and the SBA may declare all or any part of the indebtedness immediately due and payable.

22.

Van signed Note 2 dated August 15, 2012 to the SBA promising to repay the SBA loan amount of \$25,000.00.

23.

Note 2 reiterated the loan was to reach maturity in 12 months with the first payment due on October 1, 2012.

24.

Note 2 further specified that in the event of default, the SBA may require immediate payment of all amounts owing under the SBA loan and file suit to obtain judgment.

25.

Note 2 also provided that the SBA may collect and demand reimbursement for expenses incurred in efforts to collect amounts due under Note 2 and SBA loan.

26.

Van failed to make her monthly payments for Note 2 and was placed in default July, 2014.

**Cause of Action**

27.

Due to Van's default on the SBA loan and Note 1, and after crediting all of Van's payments, the United States is entitled to a money judgment in its favor and against Anh Thi Van for the total unpaid principal amount of the SBA loan, \$29,653.61, plus administrative charges of \$10,699.76, and post-judgment interest. *See* Certificate of Indebtedness, Ex. 1.

Furthermore, due to Van's default on the SBA loan and Note 2, and after crediting all of Van's payments, the United States is entitled to a money judgment in its favor and against Anh Thi Van for the total unpaid principal amount of the SBA loan, \$23,590.72, plus interest accrued through April 8, 2019 of \$7,450.79, interest accrued from April 9, 2019 to the date of judgment, administrative charges of \$11,200.54, costs pursuant to 28 U.S.C. § 2412, and post-judgment interest. *See* Certificate of Indebtedness, Ex. 2.

**WHEREFORE**, the United States prays that its Complaint be deemed good and sufficient and that, after due proceedings, there be judgment in its favor awarding:

- 1) the amount of \$29,653.61 for Note 1, plus administrative charges of \$10,699.76; additionally, the amount of \$23,590.72 for Note 2, plus interest accrued through April 8, 2019 of \$7,450.79, additional interest from April 9, 2019 to the date of judgment, plus administrative charges of \$11,200.54; and
- 2) Post-judgment interest and costs.

Respectfully submitted,

**PETER G. STRASSER**  
**UNITED STATES ATTORNEY**

*/s/Brock D. Dupre*

**BROCK D. DUPRE (#28563)**

Assistant United States Attorney

650 Poydras Street, Suite 1600

New Orleans, Louisiana 70130-7212

Telephone: (504) 680-3000

Facsimile: (504) 680-3184

Email: *Brock.Dupre@usdoj.gov*

**United States will serve request for waiver of service  
via Certified Mail, Returned Receipt Requested on:**

Anh Thi Van

13559 Dwyer Blvd.

New Orleans, LA 70129

And

7330 Read Blvd.

New Orleans, LA 70127



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Small Business Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Anh Van  
13559 Dwyer Blvd  
New Orleans, LA 70129

RE: Treasury Claim TRFM2014062927

I certify that the U.S. Small Business Administration (SBA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 29,653.61
Interest through 04/08/19*:	\$ 0.00
DMS fees:	\$ 9,489.16
DOJ fees:	\$ 1,210.60

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/08/19: \$ 40,353.37**

\*NOTE: Per the creditor agency profile, the debt continues to accrue interest at the annual rate of 0.00%

This debt arose in connection with the co-debtor's September, 2013 default on a SBA Secured home disaster loan Loan (#DLH1542806001) in the amount of \$40,000.00.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Small Business Administration.

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs

Natalie Stubbs  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Small Business Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Anh Thi Van  
7330 Read Blvd.  
New Orleans, LA 70127

RE: Treasury Claim TRFM1500212192

I certify that the U.S. Small Business Administration (SBA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

Principal:	\$ 23,590.72
Interest through 04/08/19*:	\$ 7,450.79
DMS fees:	\$ 9,933.28
DOJ fees:	\$ 1,267.26

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/08/19: \$ 42, 242.05**

\*NOTE: Per the creditor agency profile, the debt continues to accrue interest at the annual rate of 8.00% (or \$5.17 daily).

This debt arose in connection with the co-debtor's July, 2014 default on a SBA Express (#5361275000) in the amount of \$25,000.00.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Small Business Administration.

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs

Natalie Stubbs  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
AUSA Brock D. Dupre (#28563), U.S. Attorney's Office  
650 Poydras St., Ste. 1600, New Orleans, LA 70130  
Tel: (504) 680-3000

**DEFENDANTS**

Anh Thi Van

County of Residence of First Listed Defendant Orleans  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

31 USC § 3701, et seq.

Brief description of cause:

Default on SBA loan

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/29/2019

s/ Brock D. Dupre

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_